UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	:	
LAUREN BIEGEL, GREG MARONEY, *individually and on behalf of all others similarly situated*,	: : : :	Case No.: 7:20-cv-03032-CS
Plaintiffs,	: :	ECF Case
v.	: :	
BLUE DIAMOND GROWERS,	: :	
Defendant.	:	

NOTICE OF DEFENDANT BLUE DIAMOND GROWERS'
MOTION TO DISMISS THE FIRST AMENDED COMPLAINT

PLEASE TAKE NOTICE that upon the Declaration of Colleen Michelle Gulliver, dated December 18, 2020, the exhibits attached thereto, and the accompanying Memorandum of Law in Support of Defendant Blue Diamond Growers' Motion to Dismiss the First Amended Complaint (the "Memorandum of Law"), defendant Blue Diamond Growers ("BDG"), by and through its attorneys, DLA Piper LLP (US), will move before the Honorable Cathy Seibel, United States District Judge of the United States District Court, Southern District of New York, at The Honorable Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas St., White Plains, New York 10601, on a date and at a time designated by the Court, for an Order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the plaintiffs' First Amended Complaint, filed November 20, 2020 (Dkt. No. 18), with prejudice. The grounds upon which BDG seeks relief are set forth in detail in the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that BDG will submit a letter in accordance with Your Honor's Individual Practices requesting oral argument on this Motion.

Dated: December 18, 2020   **DLA Piper LLP (US)**

    /s/ Colleen Carey Gulliver
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* pro hac vice application to be filed